UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,942	09/19/2003	Peng Wang	13905-019001 / 2003P00659	8436

22852 7590 03/20/2007		EXAMINER
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP		CAO, PHUONG THAO
901 NEW YORK AVENUE, NW		
WASHINGTON, DC 20001-4413	ART UNIT	PAPER NUMBER
	2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/666,942	WANG ET AL.
	Examiner	**Art Unit**	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>31-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>31-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070307

DETAILED ACTION

1.   This action is in response to Amendment filed with a RCE on 12/21/2006.

2.   Claims 31, 38, 45 and 52 have been amended. Currently, claims 31-54 are pending.

Response to Arguments

3.   Applicant's arguments with respect to amended claims 31-54 have been considered but are moot in view of the new ground(s) of rejection.

4.   Regarding Applicant's argument that Goerke et al. is silent with respect to "the valid content data corresponding to content data having a validity period including the predetermined time", Goerke et al. teaches a schema diagram on page 20 wherein StockPlan data is equivalent to Applicant's "content data" and data of two attributes "ValidFrom" and "ValidTo" forms a validity period for the Stock Plan data which can include any predetermined time as illustrated in Applicant's claim language.

5.   Note that a computer program product can include a computer program written on a piece of paper, which is non-statutory. Moreover, computer program product as disclosed in the specification (page 13, lines 25-30) including computer program embodied in an information carrier including a propagated signal which is not a appropriate medium to establish a statutory category of invention.

Claim Objections

6.   Claims 38 and 52 are objected to because of the following informalities: missing the

period at the end of claim 38; and inconsistent indentation in claim 52. Appropriate correction is

required.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

8.   Claims 38-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

With respect to claim 38, the computer-readable medium equivalent to information

carrier is not limited to appropriate media in accordance with Applicant's specification (page 13,

lines 25-30), which states that information carrier may include a propagated signal, not in and of

itself an appropriate medium to establish a statutory category of invention. Note that amending

claim 38 to recite – machine-readable storage device – would overcome this rejection.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 31-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goerke et

al. (Employee Stock Plans Interface 1.0 Recommendation, October 2002) in view of Hanzek (US

Patent No 6,980,963).

As to claim 31, Goerke et al. teaches:

"A method for updating a record stored in a database and transmitting valid content data as of the

time of transmission, the record including a plurality of content data and a validity period

associated with each of the plurality of content data" (see Diagram on page 13, [page 15,

paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception

data combined with end data creates a validity period for a Plan data and Human Resource

Information System must include a database to maintain data as disclosed), comprising:

"receiving a notification regarding a change in a validity period of at least one of the

plurality of content data of the record" (see [page 17, paragraph 4, 5 and 7] for the notification of

change such as terms of the grant which is considered as validity period of the grant);

"updating, based on the notification, the record by changing the validity period for one of

the plurality of content data" (see [page 17, paragraph 2 and 7] wherein the change from the

original expiration data to another data as disclosed is equivalent to Applicant's "changing the

validity period"); and

"extracting, at a predetermined time, valid content data from the updated record, the valid

content data corresponding to content data having a validity period including the predetermined

time" (see [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of

the grant such as vesting or expiration is equivalent to Applicant's "validity period including the

predetermined time).

Goerke et al. does not teach:

"produce an internal document that includes the valid content data extracted from the

updated record"; and

"produce a file based on the internal document that includes the valid content".

Hanzek teaches:

"producing an internal document that includes the valid content data extracted from the

updated record" (see [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma

delimited flat file is equivalent to Applicant's "internal document"); and

"producing a file based on the internal document that includes the valid content" (see

[column 26, lines 1-25] wherein an XML message or the converted file is equivalent to

Applicant' "file").

It would be obvious to a person having ordinary skill in the art at the time the invention

was made to have modified Goerke et al. by the teaching of Hanzek to add the features of

producing an internal document and producing a file based on the internal document since these

features provides an effective way to transfer data between different systems support different

transport communication mechanisms (see Hanzek, [column 26, lines 10-16]).

Goerke et al. as modified teaches:

"sending the file at the predetermined time" (see [page 19, paragraph 1], [page 17,

paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

As to claim 38, Goerke et al. teaches:

"A computer program product, tangibly embodied on a computer-readable medium, for updating

a record stored in a database and transmitting valid content data as of the time of transmission,

the record including a plurality of content data and a validity period associated with each of the

plurality of content data" (see Diagram on page 13, [page 15, paragraph 1 and 5], [page 16,

paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data

creates a validity period for a Plan data and Human Resource Information System must include a

computer program and a database to process and maintain data as disclosed), the computer

program product storing instructions for execution by a machine to:

"receive a notification regarding a change in a validity period of at least one of the

plurality of content data of the record" (see [page 17, paragraph 4, 5 and 7] for the notification of

change such as terms of the grant which is considered as validity period of the grant);

"update, based on the notification, the record by changing the validity period for one of

the plurality of content data" (see [page 17, paragraph 2 and 7] wherein the change from the

original expiration data to another data as disclosed is equivalent to <u>Applicant</u>'s "changing the

validity period"); and

"extract, at a predetermined time, valid content data from the updated record, the valid

content data corresponding to content data having a validity period including the predetermined

time" (see [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of

the grant such as vesting or expiration is equivalent to <u>Applicant</u>'s "validity period including the

predetermined time).

<u>Goerke et al.</u> does not teach:

"produce an internal document that includes the valid content data extracted from the

updated record"; and

"produce a file based on the internal document that includes the valid content".

<u>Hanzek</u> teaches:

"producing an internal document that includes the valid content data extracted from the

updated record" (see [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma

delimited flat file is equivalent to <u>Applicant</u>'s "internal document"); and

"producing a file based on the internal document that includes the valid content" (see

[column 26, lines 1-25] wherein an XML message or the converted file is equivalent to

<u>Applicant</u>' "file").

It would be obvious to a person having ordinary skill in the art at the time the invention

was made to have modified <u>Goerke et al.</u> by the teaching of <u>Hanzek</u> to add the features of

producing an internal document and producing a file based on the internal document since these

features provides an effective way to transfer data between different systems support different

transport communication mechanisms (see Hanzek, [column 26, lines 10-16]).

Goerke et al. as modified teaches:

"sending the file at the predetermined time" (see [page 19, paragraph 1], [page 17,

paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

As to claim 45, Goerke et al. teaches:

"A system for updating a record stored in a database and transmitting valid content data as of the

time of transmission, the record including a plurality of content data and a validity period

associated with each of the plurality of content data" (see Diagram on page 13, [page 15,

paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception

data combined with end data creates a validity period for a Plan data and Human Resource

Information System must include a database to maintain data as disclosed), comprising:

"a company including a computer system" (see [page 16, paragraph 1]) that:

"receives a notification regarding a change in a validity period of at least one of the

plurality of content data of the record" (see [page 17, paragraph 4, 5 and 7] for the notification of

change such as terms of the grant which is considered as validity period of the grant);

"updates, based on the notification, the record by changing the validity period for one of

the plurality of content data" (see [page 17, paragraph 2 and 7] wherein the change from the

original expiration data to another data as disclosed is equivalent to Applicant's "changing the

validity period"); and

"extracts, at a predetermined time, valid content data from the updated record, the valid

content data corresponding to content data having a validity period including the predetermined

time" (see [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of

the grant such as vesting or expiration is equivalent to Applicant's "validity period including the

predetermined time).

Goerke et al. does not teach:

"produce an internal document that includes the valid content data extracted from the

updated record"; and

"produce a file based on the internal document that includes the valid content".

Hanzek teaches:

"producing an internal document that includes the valid content data extracted from the

updated record" (see [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma

delimited flat file is equivalent to Applicant's "internal document"); and

"producing a file based on the internal document that includes the valid content" (see

[column 26, lines 1-25] wherein an XML message or the converted file is equivalent to

Applicant' "file").

It would be obvious to a person having ordinary skill in the art at the time the invention

was made to have modified Goerke et al. by the teaching of Hanzek to add the features of

producing an internal document and producing a file based on the internal document since these

features provides an effective way to transfer data between different systems support different

transport communication mechanisms (see Hanzek, [column 26, lines 10-16]).

Goerke et al. as modified teaches:

"sending the file at the predetermined time" (see [page 19, paragraph 1], [page 17,

paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

As to claims 32, 39 and 46, these claims are rejected based on arguments given above for

rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the file includes Extensible Markup Language" (see Abstract and Appendix C

[page 49]).

As to claims 33, 40 and 47, these claims are rejected based on arguments given above for

rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the change in the validity period includes extending a time period in which the

record content is valid" (see [page 20] and [page 21] for the attributes "validFrom" and

"validTo" of the record content "StockPlan", the inclusion of these attributes allows the change

in the validity period including extending a time period as illustrated in Applicant's claim

language).

As to claims 34, 41 and 48, these claims are rejected based on arguments given above for

rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the change in the validity period includes shortening a time period in which the record content is valid" (see [page 20] and [page 21] for the attributes "validFrom" and "validTo" of the record content "StockPlan", the inclusion of these attributes allows the change in the validity period including shortening a time period as illustrated in Applicant's claim language).

As to claims 35, 42 and 49, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the record includes information associated with a participant of a stock option program" (see [page 15, paragraph 5-8]).

As to claims 36, 43 and 50, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the record includes information associated with stock option granted in a stock option program" (see [page 15, paragraph 1 and 2] and [page 16, paragraph 1, 5-8]). .

As to claims 37, 44 and 51, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Georke et al. as modified teaches:

"repeating at least the step of extracting, producing the internal document, producing the file, and sending at a second predetermined time" (see [page 16, paragraph 1-4] and [page 19, paragraph 1]).

As to claim 52, Georke et al. teach:

"A method for updating a record stored in a database and transmitting valid content data as of the time of transmission, the record including at least one content data and a validity period associated with the at least one content data" (see Diagram on page 13, [page 15, paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data creates a validity period for a Plan data and Human Resource Information System must include a database to maintain data as disclosed), comprising:

"receiving a notification during a first time period regarding a change in a validity period of the at least one content data included in the record that is to be effected during a second time period, wherein the first time period and the second time period are different" (see [page 17, paragraph 4, 5 and 7] for the notification of change effected terms of the grant which is considered as notification regarding change in a validity period of the grant data from a first time period to second time period, as illustrated in Applicant's claim language);

"updating, based on the notification, the record by changing the validity period for the at least one content data" (see [page 17, paragraph 2 and 7] wherein the change from the original expiration data to another data as disclosed is equivalent to Applicant's "changing the validity period");

"extracting, at a periodic time interval, valid content data from the updated record, the

valid content data corresponding to content data being current at the time of extraction" (see

[page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1-7]);

Goerke et al. does not teach:

"produce an internal document that includes the valid content data extracted from the

updated record"; and

"produce a file based on the internal document that includes the valid content".

Hanzek teaches:

"producing an internal document that includes the valid content data extracted from the

updated record" (see [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma

delimited flat file is equivalent to Applicant's "internal document"); and

"producing a file based on the internal document that includes the valid content" (see

[column 26, lines 1-25] wherein an XML message or the converted file is equivalent to

Applicant' "file").

It would be obvious to a person having ordinary skill in the art at the time the invention

was made to have modified Goerke et al. by the teaching of Hanzek to add the features of

producing an internal document and producing a file based on the internal document since these

features provides an effective way to transfer data between different systems support different

transport communication mechanisms (see Hanzek, [column 26, lines 10-16]).

Goerke et al. as modified teaches:

"sending the file at the periodic time interval" (see [page 19, paragraph 1], [page 17,

paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

As to claim 53, this claim is rejected based on arguments given above for rejected claim 52 and is similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the periodic time interval includes a day" (see [page 16, paragraph 4] for the disclosure of regular exchange of data occurring each night).

(

As to claim 54, this claim is rejected based on arguments given above for rejected claim 52 and is similarly rejected including the following:

Georke et al. as modified teaches:

"wherein the periodic time interval includes a week" (see [page 16, paragraph 4] for the disclosure of regular exchange of data occurring each night which anticipates 'the period time interval includes a week' as illustrated in Applicant's claim language).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

March 7, 2007

CHARLES RONES
SUPERVISORY PATENT EXAMINER

9 March 2007